

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
JASPER DIVISION**

UNITED STATES OF AMERICA,
v.
VICTOR SANTANA PALACIOS,
Defendant.

Case No.: 6:10-CR-395-RDP-JEO

MEMORANDUM OPINION AND ORDER

The Magistrate Judge filed a Report and Recommendation on February 1, 2011, recommending that Defendant's motion to dismiss (Doc. #23) be denied. The parties were allowed fourteen days in which to file objections to the Magistrate Judge's Report and Recommendation. Defendant filed objections to the Report and Recommendation on February 3, 2011 stating that the legal issues at question have not been specifically addressed by the Eleventh Circuit and no clear case law exists on the matter.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the Report and Recommendation and objections, the court is of the opinion that the Magistrate Judge's Report is due to be and is hereby **ADOPTED** and his Recommendation is **ACCEPTED**. Accordingly, Defendant's motion to dismiss is **DENIED**.

Not later than 3:00 p.m. on Monday, March 7, 2011, counsel for Defendant **SHALL** notify the court whether Defendant will proceed to trial or if this case should be set for a change of plea hearing.

DONE and **ORDERED** this 28th day of February, 2011.

R. O. P.

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE